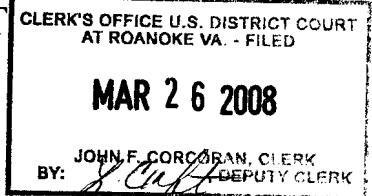


# UNITED STATES DISTRICT COURT

for the

Western District of Virginia



United States of America )

v. )

Ryan Anthony Perdue )

Case No: 7:05CR00108-001

USM No: 11941-084

Date of Previous Judgment: February 13, 2008 )

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is **reduced to** \_\_\_\_\_.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>29</u>	Amended Offense Level: <u>27</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>120</u> to <u>135</u> months	Amended Guideline Range: <u>120</u> to <u>120</u> months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain):

On February 13, 2008, the defendant received a sentence reduction based on substantial assistance, bringing his sentence to 48 months imprisonment, well below the original guideline range. Because the defendant's amended guideline range is the same as the low end of his original range, the court does not find it appropriate to grant any additional reduction under 18 U.S.C. § 3582 (c) and the 2007 amendments to the crack cocaine sentencing guidelines.

### III. ADDITIONAL COMMENTS

The factors listed in 18 U.S.C. § 3553(a) having been considered, the government's objections are overruled.

Except as provided above, all provisions of the judgment dated 02/13/2008 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: March 26, 2008

[Signature]  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

James C. Turk, Senior United States District Judge  
Printed name and title